

Act 117:
**An Act to Strengthen the Capacity of Vermont's
Education System to Meet the Educational Needs
of All Vermont Students**

Report to the House and Senate Committees on Education

January 15, 2006



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State of Vermont

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2005-2006**

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**Act 117 Report to the Legislature
January 15, 2006
Executive Summary**

Act 117 sets out provisions for educational practice and Department of Education activities that have:

Functioning Educational Support Systems

- Vermont schools provide a broad range of varied supports for students who encounter difficulty in school. These include academic, behavioral and health related supports.
- These services are funded by a combination of local, state and federal funds.
- Educational support system consultants are now focusing on assisting school staff in enhancing their educational support systems and teams. A major focus of this work in the past year has been on using student and financial data to measure effectiveness and plan for future needs.
- Educational support system consultants provided training and technical assistance to 682 staff in 26 schools throughout Vermont.

Prevention and Intervention

- Training and technical assistance in the area of students with emotional and behavioral challenges focused on both system wide capacity building and supports for individual students.
- Results from both the Youth Risk Behavior Survey and the Safe and Healthy Schools Data Update show positive trends in both individual student behaviors and the capacity of schools to respond to challenging behaviors.
- Training and technical assistance in the area of emotional and behavior challenges was provided to 718 school personnel, parents and others.
- The statewide Kindergarten Readiness data from 2004-2005 showed that 42 percent of kindergartners were rated at the “practicing” or “performing independently” levels in all five domains: social and emotional development, approaches to learning, communication, cognitive development/general knowledge, and physical health and well-being.
- A total of 2,795 three- and four-year-olds were supported with public school funding (i.e., included in a school’s ADM) in the 2004-2005 academic year.
- Training and technical assistance in the area of early education and school readiness included development of a graduate level course sequence to train both early childhood educators and early childhood special educators, as well as presentations at two major conferences.

Effective and Efficient Functioning of Special Education

- Proposed changes to the dispute resolution sections of the special education rules are designed to: (1) encourage the use of mediation or the new federal “resolution session” which is a meeting between the school district and the parent to identify disputed issues and provide the opportunity for the school district to resolve the matter without having to proceed to a hearing and (2) if mediation or resolution sessions are unsuccessful, contain costs for parties and shorten the timeframe for concluding due process hearings.
- A revised Part B Interagency Agreement, approved in June 2005, clarifies legal and financial responsibilities of various agencies for special education services and outlines a system for

service coordination and a mechanism for school districts to seek reimbursement for IEP services that are the responsibility of an Agency of Human Service division.

- Twenty-eight Vermont middle and high schools have learning disabilities (LD) lab classes designed to improve successful retention of students with learning disabilities in their local schools.
- Training and technical assistance in special education eligibility, IEP team decision making and characteristics of students with learning disabilities was provided to 440 staff at 17 schools.
- Autism consultants for the Department of Education and the Agency of Human Services researched and wrote an Autism White Paper that provides an in-depth look at services for individuals with autism in Vermont and makes recommendations for improvement.
- Special education child count numbers have continued to decrease slightly for the school age population but have increased for the birth to 5 year old population.
- The overall increase in special education costs for FY 2005 was 8.03 percent.
- The Department of Education conducted Special Education Expenditure Report audits of ten Vermont supervisory unions based on their FY-2003 Special Education Expenditure Reports. The total questioned costs from these 10 audits totaled \$1.379 million out of the \$18.381 million originally reported. The amount of questioned costs varied significantly from \$7,461 disallowed to \$428,570 disallowed per supervisory union. The net reduction in state funding due to the FY-03 audits was \$790,823.

Introduction

As required by Act 152 of 2000, Section 156(c), The Department of Education submits the following report updating the Legislature on the progress toward meeting the goals of Act 117.

Act 117, an Act to Strengthen the Capacity of Vermont's Education System to Meet the Educational Needs of All Vermont Students, has been in effect for nearly six years. In that time, the practice of education in Vermont has changed in important ways. Act 117 has been one of the catalysts for change. Programs and activities required by the Act are now well established educational practice in Vermont. Highlights of the influence of Act 117 follow:

- Educational support systems and teams are in place in all Vermont schools. Department of Education consultants provide information, training, and technical assistance to schools in establishing more comprehensive and effective systems and teams.
- The Higher Education Collaborative has trained nearly 200 new special educators since 2000 and is currently facilitating graduate courses for teachers in Early Childhood/Early Childhood Special Education, Language Learning Disabilities, Intensive Special Education, Autism, Behavior Specialist, and Teaching All Secondary Students.
- Department of Education consultants support initiatives to strengthen Vermont's provision of early childhood services and improve literacy skills for children preschool through grade four.
- Special education eligibility criteria for the categories of emotional disability and developmental delay, as well as adverse effect criteria, were revised in 2001. Special education teams have been trained in these revisions and in an IEP team decision-making model.
- Consultants with expertise in specific disabilities provide information, training and technical assistance to school teams and others.
- Vermont schools have received yearly BEST/Act 230 grants that support staff development in prevention and intervention strategies.
- All Vermont schools were monitored to determine compliance with special education requirements and to identify training and other needs to ensure efficient and effective provision of special education.
- Financial audits of special education programs have been conducted since 2001. All Vermont schools have been audited at least once with a focus on allowable use of special education funds and staff.

While much has been accomplished, there is still work to be done to meet the broad goals that Act 117 sets out in the areas of establishing comprehensive and effective educational support systems and teams in all schools, providing training and technical assistance in prevention and intervention strategies for children who are at risk of becoming eligible for special education, and ensuring effective functioning of special education in Vermont. This year's report presents survey results on the status of educational support systems in school districts and provides information from each of the consultants funded through the Act on outcomes and activities in the past year that relate to these goals. The report also includes required information on special education expenditures, rate of increases or decreases in costs and outcomes for special education.

Status of Educational Support Systems

Goal 1: Every school in Vermont has an Educational Support System (ESS) and an effective Educational Support Team (EST) that meet the needs of students at risk of becoming eligible for special education.

Benchmarks for this goal for the past year were:

1. Schools enhance the function of their EST to more effectively support diverse learners through general education.
2. Schools use data to adjust the ESS to match the needs of students and to improve EST function.
3. Classroom teachers, administrators, and specialists have a clearer understanding of EST, Section 504 of the Rehabilitation Act of 1973 and Special Education, and recognize EST as a general education support.

The Vermont Department of Education annually collects information from schools regarding the range of support and remedial services, including instructional and behavioral interventions and accommodations, in accordance with Act 117 and 16 V.S.A. §2902 (a). This survey provides information about the status of educational support systems in Vermont schools used by ESS consultants in assessing school progress towards meeting their benchmarks.

For the fall 2005 survey, school personnel were asked to identify ESS supports and services available under three broad categories:

- Health and nutrition,
- Academic, and
- Mental health and social well-being.

For each service provided, the survey asked for the primary funding source for that service. Funding categories included:

- Unrestricted state and local funds,
- Consolidated federal programs grants (Title I, IIA, IIC, III, IV, V),
- Limited English Proficient and Immigrant Students (Title III),
- Migrant Education (Title IIC),
- Title I Pass-Through,
- Comprehensive School Reform Grants (CSR),
- Act 230/BEST Grants,
- Reading First,
- IDEA (Early Intervening Services),
- State special education,
- Medicaid reimbursement,
- Medicaid Early and Periodic Screening, Diagnostic and Treatment (EPSDT),
- Success Beyond Six,
- LD Lab Grants, and
- “other”.

In addition, the survey asked if school action plans addressed building the capacity of the educational support system to match the needs of students in each of the three broad categories listed above.

This year, a new Vermont Department of Education survey was mailed to 314 public schools identified as having separately funded ESS supports and services. Using e-mail and phone follow up, the Student Support Team collected 278 completed school surveys with overall response rate of 89 percent. (Survey attached)

Student Support Team staff created a database, error-checked the received surveys and entered valid responses for analysis. Because this is a new survey and principals were completing it for the first time, some caution is urged in interpreting the results described below.

Health and Nutrition Supports, Services and Funding Sources

Types of supports and services provided, as well as funding sources, are presented in Figures 1 and 2. The results indicate that schools provide a range of health and nutrition supports. In addition to required services such as school nursing and health, many are adding exercise/fitness programs. A smaller number of schools have established dental and health clinics. Unrestricted state and local and “other” sources are the primary funding sources for health and nutrition supports and services. Medicaid EPSDT is an important funding source for dental clinics/services.

Figure 1: Percent of Vermont Public Schools Offering Health and Nutrition Supports and Services

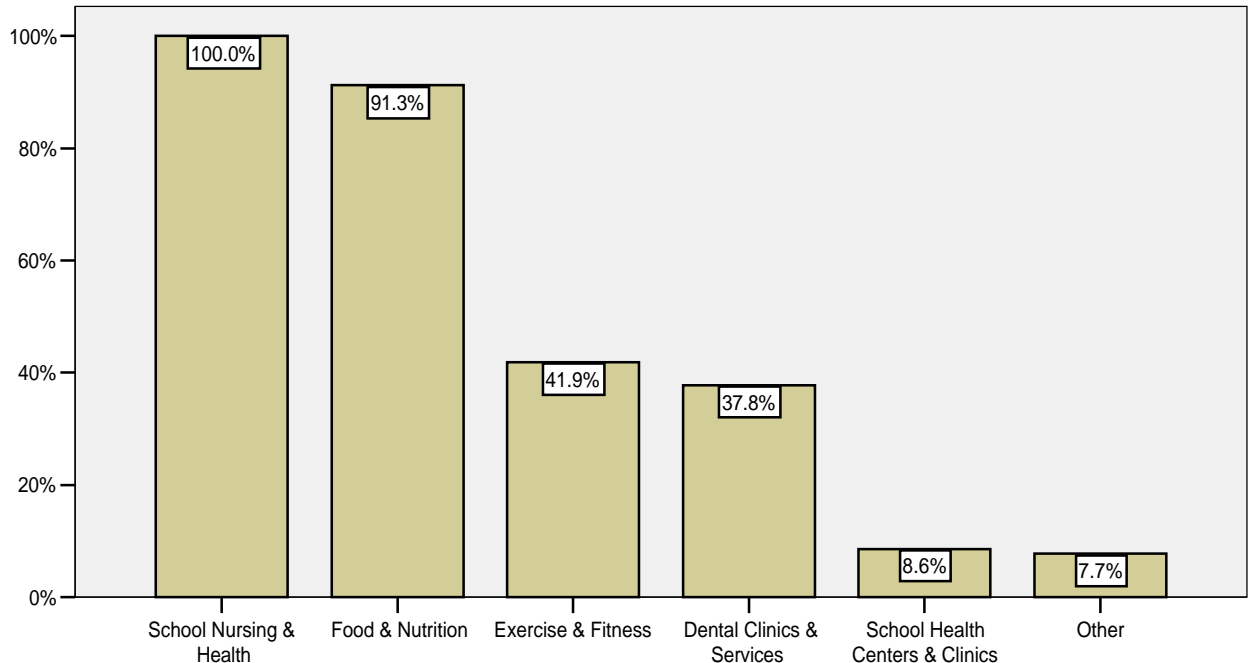


Figure 2: Percent of Funding, by Funding Source, for Health and Nutrition Supports and Services*

Funding Source	Health and Nutrition Educational Supports					
	School Nursing & Health	Food & Nutrition	Exercise/Fitness	Dental Clinics/Services	School Health Centers/Clinics	Other
Unrestricted State and Local Funds	89.9%	77.8%	47.4%	14.9%	44.4%	52.6%
Consolidated Federal Programs Grants	0.0%	2.1%	6.1%	5.3%	7.4%	5.3%
Other	0.4%	20.2%	38.6%	35.1%	14.8%	21.1%
IDEA (Early Intervening Services)	0.0%	0.0%	0.0%	0.0%	0.0%	15.8%
State Special Education	0.0%	0.0%	3.5%	0.0%	3.7%	0.0%
Medicaid Reimbursement	1.8%	0.0%	0.9%	2.1%	3.7%	0.0%
Medicaid EPSDT	7.9%	0.0%	2.6%	42.6%	11.1%	5.3%
Title I Pass-Through	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Success Beyond Six	0.0%	0.0%	0.0%	0.0%	14.8%	0.0%
Act 230/BEST Grants	0.0%	0.0%	0.9%	0.0%	0.0%	0.0%
Reading First	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Limited English Proficiency and Immigrant Students	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Migrant Education	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Comprehensive School Reform Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LD Lab Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Percent Funding	100%	100%	100%	100%	100%	100%

Academic Supports Services and Funding Sources

Academic supports and services are another important component of educational support systems. Survey results and funding sources for this area are presented in Figures 3 and 4. Schools are providing significant academic support in areas related to success in the general curriculum, particularly literacy, math and study skills. Support for English Language Learners and young learners is provided in over half of the responding schools. In most cases, unrestricted state and local funds and consolidated federal program grants are used as the main funding sources. Indicating strong local support for All Day/Extended Day Kindergarten, over 90 percent of the funding for this program comes from unrestricted state and local funds.

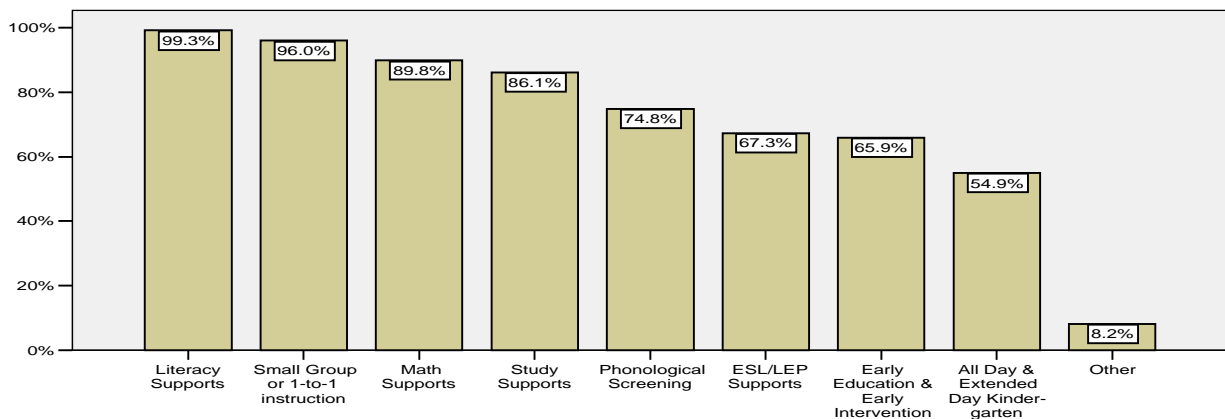
Figure 3: Percent of Vermont Public Schools Offering Academic Supports and Services

Figure 4: Percent of Funding, by Funding Source, for Academic Supports and Services*

Funding Source	Academic Educational Supports								
	Literacy Supports	Small Group or 1-to-1 instruction	Math Supports	Study Supports	Phonological Screening	ESL/LEP Supports	Early Education & Intervention	All Day & Extended Day Kindergarten	Other
Unrestricted State and Local Funds	36.5%	42.1%	48.2%	47.9%	67.0%	59.1%	39.4%	92.6%	42.1%
Consolidated Federal Programs Grants	50.9%	20.8%	40.0%	20.8%	18.6%	8.8%	15.9%	4.7%	5.3%
Other	2.2%	1.5%	3.3%	12.3%	1.0%	0.0%	1.8%	0.0%	31.6%
IDEA (Early Intervening Services)	0.4%	1.2%	0.8%	0.8%	1.0%	0.0%	20.0%	0.7%	0.0%
State Special Education	3.3%	31.7%	5.7%	8.9%	7.2%	0.0%	10.6%	0.0%	5.3%
Medicaid Reimbursement	1.8%	1.2%	1.2%	5.9%	0.0%	0.0%	7.1%	2.0%	5.3%
Medicaid EPSDT	0.0%	0.4%	0.4%	2.1%	0.0%	0.0%	0.0%	0.0%	5.3%
Title I Pass-Through	2.2%	1.2%	0.4%	0.0%	1.0%	0.6%	1.8%	0.0%	0.0%
Success Beyond Six	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%	3.5%	0.0%	0.0%
Act 230/BEST Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Reading First	1.8%	0.0%	0.0%	0.0%	4.1%	0.0%	0.0%	0.0%	5.3%
Limited English Proficiency and Immigrant Students	0.0%	0.0%	0.0%	0.0%	0.0%	31.6%	0.0%	0.0%	0.0%
Migrant Education	0.0%	0.0%	0.0%	0.4%	0.0%	0.0%	0.0%	0.0%	0.0%
Comprehensive School Reform Grants	0.4%	0.0%	0.0%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%
LD Lab Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Percent Funding	100%	100%	100%	100%	100%	100%	100%	100%	100%

*All totals rounded to nearest whole number.

Mental Health and Social Supports and Funding Sources

Prevention and intervention for emotional and behavioral difficulties are components of educational support systems identified in Act 117. Survey results for services and supports with accompanying funding sources are presented in Figures 5 and 6. Results show that schools are providing a range of mental health and social supports and services that both build school wide capacity for dealing with difficulties and provide supports for individual students. In addition, at least 40 percent of the schools are providing home/school coordination and social work services. Schools provide these two services by blending funding sources such as unrestricted state and local, Medicaid reimbursement, Success Beyond Six, Medicaid EPSDT, and state special education funds.

Figure 5: Mental Health and Social Supports and Services Offered by Vermont Schools

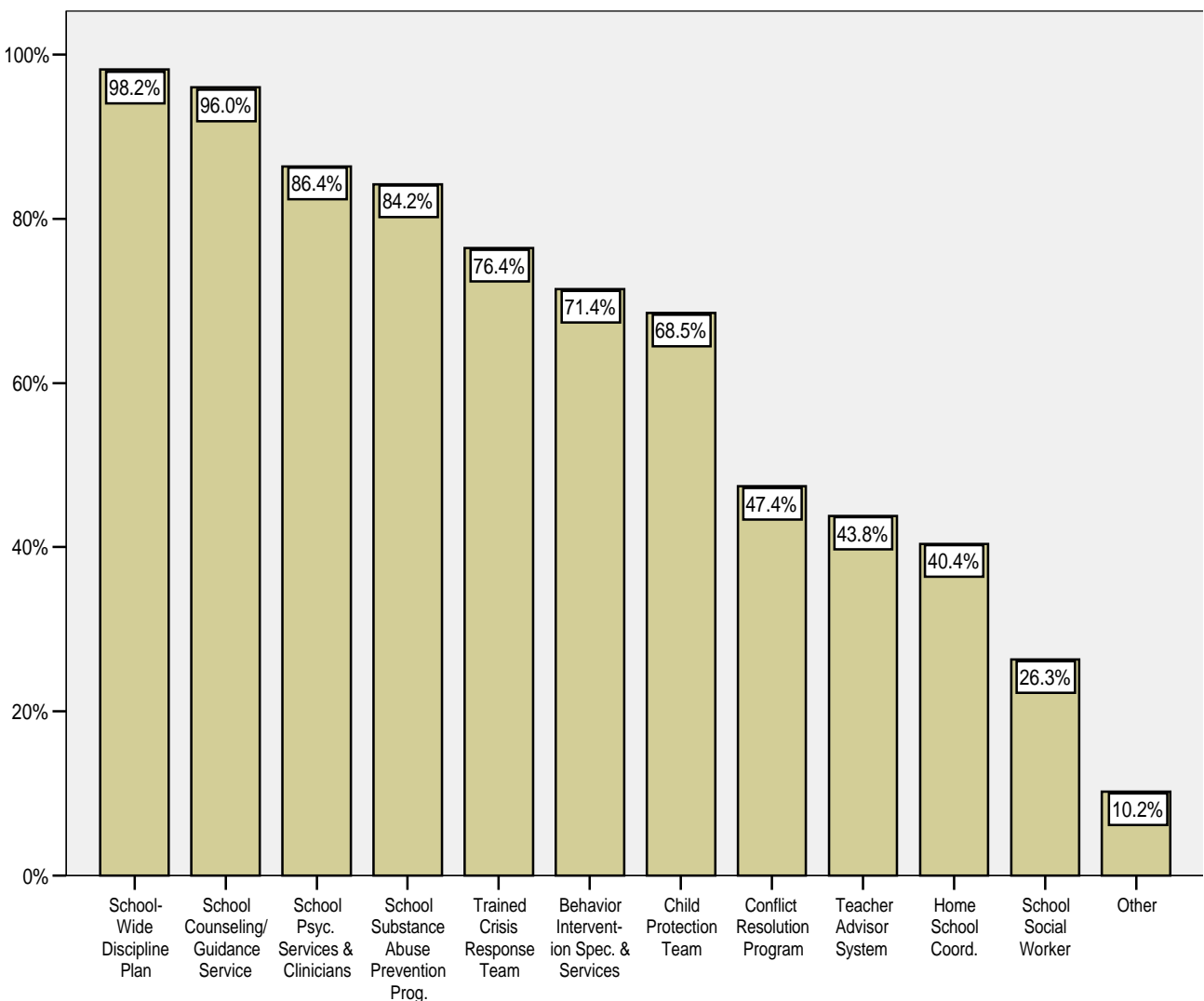


Figure 6: Percent of Funding, by Funding Source, for Mental Health and Social Supports and Services*

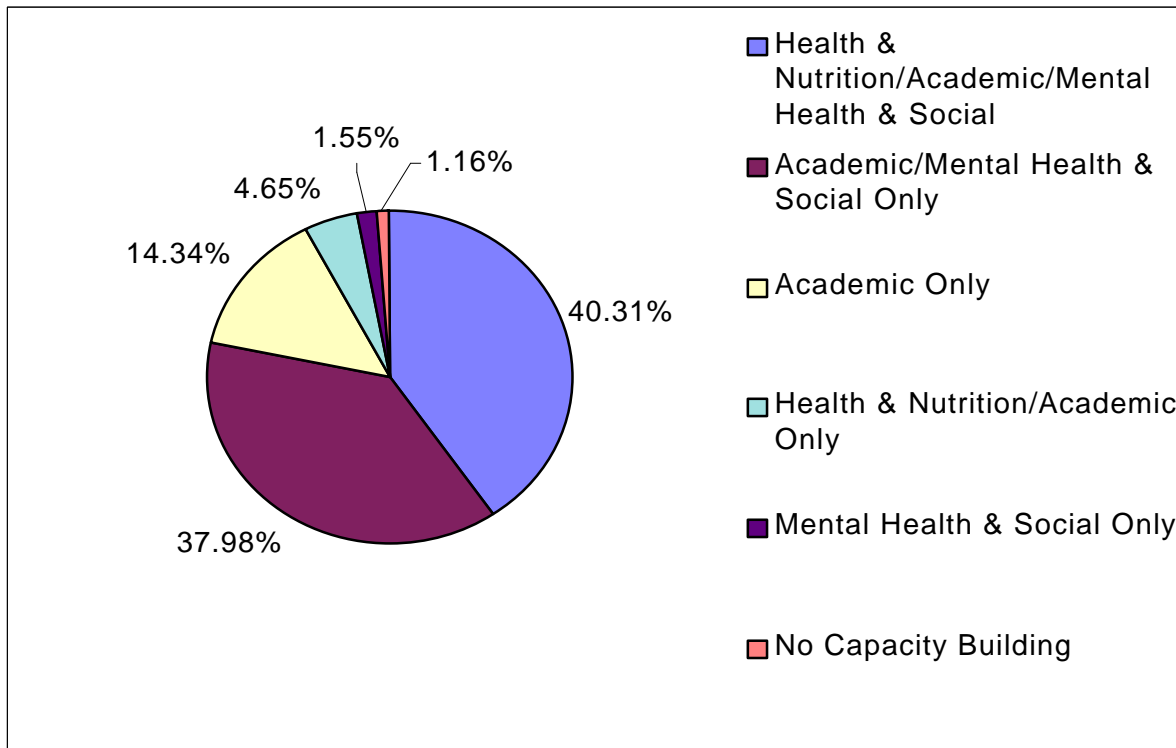
Funding Source	Mental Health and Social Supports and Services											
	School-Wide Discipline Plan	Counseling & Guidance Services	Psych. Services & Clinicians	Substance Abuse Prevention	Trained Crisis Response Team	Behavior Intervention Specialists & Services	Child Protection Team	Conflict Resolution Program	Teacher Advisor System	Home School Coordination	School Social Worker	Other
Unrestricted State and Local Funds	90.6%	95.5%	46.4%	45.0%	80.7%	45.1%	86.3%	83.7%	93.8%	31.5%	28.8%	41.7%
Consolidated Federal Programs Grants	3.1%	0.4%	2.6%	30.2%	1.9%	6.2%	2.5%	6.5%	4.4%	9.0%	5.5%	8.3%
Other	0.8%	0.4%	2.1%	18.5%	1.9%	5.2%	6.2%	1.6%	0.9%	7.2%	5.5%	20.8%
IDEA (Early Intervening Services)	0.0%	0.0%	4.3%	0.0%	0.0%	2.6%	0.0%	0.0%	0.0%	1.8%	1.4%	0.0%
State Special Education	0.0%	0.4%	30.5%	0.0%	3.4%	32.6%	0.6%	0.8%	0.0%	3.6%	13.7%	4.2%
Medicaid Reimbursement	0.4%	2.3%	9.4%	0.9%	1.4%	5.2%	0.6%	0.8%	0.9%	29.7%	27.4%	12.5%
Medicaid EPSDT	0.4%	0.8%	2.6%	5.0%	0.0%	1.6%	0.6%	1.6%	0.0%	8.1%	4.1%	4.2%
Title I Pass-Through	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%	0.0%	0.0%
Success Beyond Six	0.0%	0.0%	2.1%	0.0%	0.5%	0.5%	0.6%	0.0%	0.0%	7.2%	13.7%	8.3%
Act 230/BEST Grants	4.7%	0.4%	0.0%	0.0%	10.1%	1.0%	2.5%	4.9%	0.0%	0.0%	0.0%	0.0%
Reading First	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Proficiency and Immigrant Students	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Migrant Education	0.0%	0.0%	0.0%	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Comprehensive School Reform Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LD Lab Grants	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total Percent Funding	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

*All totals rounded to nearest whole number.

Capacity Building

The survey asked whether school action plans addressed building the capacity of the educational support system to match the needs of their students in each of the three ESS survey categories: health and nutrition, academic, and mental health and social. Of the 278 completed surveys, 258 schools provided valid responses. The results are summarized in Figure 7. Forty percent of the responding schools targeted all three ESS survey categories in their action plans. Importantly, areas of focus in an action plan are current initiatives. The ESS survey results reflect only the 2004-2005 action plan initiatives, not those previously accomplished.

Figure 7: Capacity Building



Training and Technical Assistance

In 2005, Educational Support System consultants provided training and technical assistance to 682 staff members in 26 schools in all Vermont regions. Of the 26 schools, nine schools were identified as not making adequate yearly progress.

Prevention and Intervention

Goal 2: The Department of Education promotes early prevention and intervention services for students who are at risk of becoming special education eligible.

Act 117 consultants provide training and technical assistance to school staff, families, related service providers, Agency of Human Services' staff and others statewide. A focus is on prevention and intervention services for students at risk of becoming eligible for special education. Prevention and intervention work is carried out primarily by Act 117 consultants with

expertise in specific areas such as early childhood education and emotional/behavioral challenges. This section reports on work of these consultants.

Benchmarks in the area of prevention and intervention for emotional and behavioral difficulties were:

1. All schools develop a comprehensive plan that addresses student behavior.
2. Schools provide safe, civil, orderly and positive learning environments.
3. School systems comply with regulatory requirements regarding safe and healthy schools.

Two data sources used to assess progress toward meeting these benchmarks are the Safe and Healthy Schools Data Update and the Youth Risk Behavior Survey.

The academic year 2004-2005 Safe and Healthy Schools Data Update indicates:

- 97% of Vermont schools have developed a comprehensive discipline plan.
- 88% of these discipline plans have been revised to include bullying.
- 88% of Vermont schools addressed school climate and student health issues in their Act 60 Action Plans.
- 33% decrease in reported incidents of harassment.
- 98% of Vermont schools have enacted a written weapons policy.
- 98% of Vermont schools have enacted a written policy on hazing/harassment.
- 90% of Vermont schools have developed a comprehensive emergency management plan.

The 2005 Youth Risk Behavior Survey administered to 31,617 eighth- through 12-grade students indicates the following based on a representative sample of 9,342 students. Results are compared to those of the 2003 survey.

- Physical fighting has decreased across all grades.
- Fighting on school property remains unchanged at 14%.
- The percent of students who did not go to school because they felt unsafe remained virtually the same at 4% (2003) and 5% (2005).
- The percent of students who were threatened or injured with a weapon on school property was also virtually unchanged at 7% (2003) and 6% (2005).
- YRBS data on bullying that was collected for the first time in 2005 indicates that 18% of the representative student sample report being bullied within the last 30 days.

Technical assistance focusing on building capacity to support students with challenging behaviors and strengthen school climate was provided through 27 technical assistance visits to schools and related agencies involving 440 participants, 17 telephone or e-mail consultations and responses to 29 separate parent contacts with related follow-up. In addition, 10 trainings involving 232 participants were conducted on topics such as bullying, strengthening school discipline and climate and anger management.

Early Childhood

Benchmarks for the past year were:

1. More three- and four-year-olds, including children who are at risk, have access to quality early childhood programs as measured by the average daily membership (ADM).
2. Children are ready for school, and schools are ready for children.
3. Infants, toddlers and preschoolers with delays or who are at risk of delay are identified early through Child Find, and receive appropriate intervention services.

Progress toward meeting benchmarks was measured by reviewing results of the Kindergarten Readiness Survey and the Ready Schools Survey, as well as using ADM data to identify the number of three- and four-year-olds supported with public school funding.

- A total of 2,795 three- and four-year-olds were supported with public school funding (i.e., included in a school's ADM) in the 2004-2005 academic year.
- Compared to 2003-2004, the number of children supported through ADM increased by 27% in 2004-2005.
- The statewide Kindergarten Readiness data from 2004-2005 showed that 42% of kindergartners were rated at the "practicing" or "performing independently" levels in all five domains: social and emotional development, approaches to learning, communication, cognitive development/general knowledge, and physical health and well-being.
- The percentage of children rated as "practicing" or "performing independently" on all items for each domain are as follows:
 - Social and emotional development = 59.3%
 - Approaches to learning = 60.7%
 - Communication = 79.3%
 - Cognitive development/general knowledge = 49.9%
 - Physical health and well-being = 82.0%
- The data from the Ready Schools Survey indicate that many responding schools are working to ease children and families' transitions to schools. Specifically, the data for the four domains showed:
 - 90% met the standard for Smooth Transitions to School
 - 63% met the standard for Instruction and Staff Development
 - 74% met the standard for Partnership with Community
 - 96% met the standard for Resources

In 2005, related policy work included assisting in writing a field memo regarding school districts' infants and toddler child find responsibilities, work on the Part C (Family, Infant and Toddler Program) interagency agreement, drafting revised special education rules for Early Essential Education, and drafting rules to provide guidance and establish pre-K ADM funded early childhood programs for State Board of Education consideration. Technical assistance was

provided to early childhood educators, school personnel, and legislators. Training conferences included the March “Coming Together to Support Early Learning in Vermont” and the Higher Education Collaborative's "Early Childhood/Early Childhood Special Education" program.

Effective and Efficient Functioning of Special Education

Goal 3: The Department of Education promotes effective and efficient functioning of special education in Vermont.

Act 117 identifies focus areas regarding effective and efficient functioning of special education. These include:

- Increasing availability of qualified staff in critical need areas;
- Providing legal support, information and training to avoid conflict and assist in making cost-effective legal and procedural decisions;
- Providing consultants with expertise in particular disability areas to support school staff and others; and
- Conducting financial audits of special education.

Information for each of these areas is reported in this section.

Vermont Higher Education Collaborative

Vermont Higher Education Collaborative programs address staff shortages or identified student needs. Descriptions of current programs are listed below.

1. Special Education Licensing (UVM and VSCs)
 - 24 credit sequence preparing for special educator endorsement.
 - 4 Cohorts Active:
 - Randolph and Rutland - completed program December 2005;
 - White River and Morrisville – mid-way through program.
 - 200 completers as of January 2006; 60+ completers going on for M.Ed.
2. Early Childhood/Early Childhood Special Educator (UVM)
 - EC (18 credits) or EC Special Educator (21 credits) endorsements, can lead to M.Ed./Certificate of Advanced Graduate Study (CAGS).
 - Summer 2005 start.
 - 62 participants in 3 cohorts: St. Johnsbury, Waterbury, and Manchester.
 - Supported by the State Improvement Grant (SIG).
 - Plans being developed to enable participants to acquire initial licensure.
3. Autism (JSC & UVM)
 - 24 credit concentration that can lead to M.Ed./CAGS.
 - Fall 2005 start.
 - 23 participants.
 - Sites for 1st course in Waterbury, Williston, Lyndon, Rutland, and White River with additional sites targeted for 2nd course.
 - Focus on strategies/interventions for school-based settings for children and youth with autism.

- Developed and taught by University of Vermont, Johnson State College, Washington County Mental Health, and other area experts.
4. Behavior Specialist (JSC)
 - M.Ed./CAGS and National Behavior Analysis Certification.
 - Fall 2005 start.
 - 12 participants.
 - Some courses in conjunction with Autism program above including University of Vermont, Communication Sciences course.
 - Developed and taught by staff from Washington County Mental Health, University of Vermont and adjuncts.
 5. Intensive Special Education (UVM-CDCI)
 - 24 credit endorsement leading to M.Ed./CAGS.
 - Began with Summer Institute at Castleton in August 2005; students statewide.
 - 12 participants.
 - Fall course plus practicum offered in central location.
 - Supported by School Improvement Grant (SIG).
 - University of Vermont, Center for Disabilities and Community Inclusion developing program.
 6. Language Learning Disabilities (CSC)
 - 25 credit concentration leading to M.Ed./CAGS.
 - Program began summer 2004.
 - Completing summer 2006.
 - New cohort to begin summer 2006.
 - Program developed and courses taught by experts from University of Vermont, Castleton State College, St. Michael's College, Landmark College, Stern Center, Department of Education Student Support Team and school districts.
 7. Teaching All Secondary Students –TASS (JSC)
 - M.Ed./CAGS (Curriculum and Instruction in Secondary Schools) Program focused on school improvement, professional learning communities, differentiated instruction, concept-based curriculum, personalized learning environment, and assessment for middle/secondary educators.
 - Pilot began summer of 2005.
 - Participating schools: Missisquoi Valley, Peoples Academy and Milton.
 - 60 participants – 2005-2006 courses offered on site at each school.
 - 2nd TASS Summer Institute to be held week of June 26, 2006 to include teams from non-TASS schools that are involved in high school renewal and may wish to be TASS schools in the future.
 - Program developed and taught by staff from University of Vermont, Vermont State Colleges and teachers from Vermont High School.

Legal Support

Act 117 sets out two areas for legal support: information and training to avoid conflict and assistance in making cost-effective legal and procedural decisions. Both areas were addressed in the past year. The proposed special education rules contain major changes in the way that special education conflicts are resolved. The proposed changes: (1) encourage the use of mediation or the new federal “resolution session” which is a meeting between the school district and the parent to identify disputed issues and provide the opportunity for the school district to resolve the matter without having to proceed to a hearing and (2) if mediation or resolution sessions are unsuccessful, contain costs for parties and shorten the timeframe for concluding due process hearings. As proposed, the due process system emphasizes pre-hearing exchange of information, use of affidavits, and focusing of issues so that two day hearings become standard.

A revised Part B Interagency Agreement was approved in June 2005. This agreement clarifies legal and financial responsibilities of various agencies for special education services and outlines a system for service coordination and a mechanism for school districts to seek reimbursement for IEP services that are the responsibility of an AHS division. The agreement for the Family, Infant and Toddler Program is also being revised and will be completed by June 30, 2006. Approved agreements are required in order for Vermont to receive certain federal special education funds.

The Individuals with Disabilities Education Act (IDEA) was reauthorized in December 2004. As a result, legal support has been required to interpret the changes and provide guidance to the field about implementation of the new requirements.

A summary of legal support provided in the past year follows:

- Researched federal and state law and regulations pertaining to special education and human services. Advised the Commissioner and Student Support Services Director.
- Researched other New England states due process and mediation systems, met with representatives of school attorneys, parent’s attorneys and other members of the field.
- Researched reauthorized IDEA, interpretations and implementation actions nationally, advised the Commissioner and Student Support Services Director on legal issues, assisted Student Support Services Director with drafting clarifying memoranda to the field on: resolution sessions, parentally placed private school students, parental rights and an overview of the IDEA changes. Responded to inquiries from within the DOE and the field on the implications of the IDEA changes.
- Provided special education training, including an update on the IDEA, to mediators and hearing officers to increase knowledge of current special education law. Arranged for mediators and hearing officers to receive DOE and outside training announcements. Updated forms and assignment letters to clarify responsibilities with the new IDEA. Conducted ongoing conference calls with hearing officers on implementation of the IDEA and compliance with new due process requirements. Instituted new process of early status conferences between hearing officers and parties to encourage the use and prompt scheduling of resolution sessions and mediation.
- Researched state and federal law and regulations, advised Commissioner and Student Support Services Director on legal implications of continuing Vermont’s Part C co-lead agency status; drafted memorandum to Commissioner and Secretary of AHS on recommendations for change of co-lead agency status; advised Commissioner on ways to make co-lead agency status more effective for Vermont. Drafted clarifying memorandum to school districts on Part C Child Find

and transition responsibilities. Researched state and federal law and regulations, advised Student Support Services Director and began drafting of Part C IAA.

- Provided training and technical assistance to school district personnel, parents, DOE staff, mediators, complaint investigators, and hearing officers.

As the legal section was inadvertently omitted from the 2004 Act 117 report, the following is a summary of 2004 legal support:

Providing legal support, information and training to avoid conflict and assist in making cost-effective legal and procedural decisions.

- Provided consultation to school district, parents, and the Vermont Parent Information Center on special education, Section 504, and dispute resolution options.
- Provided consultation to administrative complaint investigators and dispute resolution services administrator on the management of administrative complaints, mediation and due process issues. Reviewed settlement agreements and advised the Commissioner on requests for pre-approval of reimbursements. Provided consultation to department finance office on core staff expenditures, settlement agreements and other special education reimbursement matters.
- Clarified school district responsibilities under Part C of the IDEA for Early Intervention programming and developed strategies to calculate statewide "maintenance of effort." These steps are consistent with the legislature's finding that early prevention and intervention services targeted to children who are at risk of becoming special education eligible can reduce the number of students who will eventually need special education services.
- Contributed to the ongoing development of the Part B Interagency Agreement with AHS with special attention to external factors which affect the cost of providing special education but which are outside the control of school districts.

Disability Specialists

Act 117 required that consultants, experts in the provision of special education and in particular disability areas, provide technical assistance and training. Currently, The Department of Education has one consultant with expertise in specific learning disabilities and a second consultant with expertise in autism. As approximately 37 percent of special education eligible students have specific learning disabilities, a major initiative to improve results for students with specific learning disabilities is the Learning Disability Lab School project. Vermont currently has 28 lab school classes in middle and high schools. The benchmarks in this area follow:

1. Students with specific learning disabilities in middle school and high school have access to and are successful in the general education curriculum when scientifically research-based explicit instruction, designed to develop literacy and language skills, is provided.
2. Systematic professional development training for special educators provided over time, with mentoring, results in effective instruction and improved outcomes for students with learning disabilities.
3. Correct and informed eligibility decisions and service provisions improve through the provision of regulatory professional development.

Results of the progress toward meeting these benchmarks are presented below.

- Students participating in Learning Disabilities Lab classes (28 lab classes) show gains in fluency and overall literacy acquisition with increased motivation and self regulation in general education classes.
- 95% of students with Learning Disabilities (LD) who went through the LD Lab program at Bellows Falls High School (BFHS), for example, are graduated.
- Lab students stay engaged in high school. (Some students stay at BFHS for a fifth year to complete high school graduation requirements).
- Lab students who participate in vocational programs are doing well without additional special education services.
- Lab students have developed literacy skills needed to succeed in Job Corps.
- Students in the LD Lab classes have more awareness of the structure of language with performance in content areas classes resulting in better grades and active learner engagement.
- Content area teachers report that students apply strategies that help them to be more analytical and are transferring their learning from one class to the other.
- Students surveyed have reported that they used to think they were stupid, but now they know that they learn differently.

Training and technical assistance related to specific learning disabilities has been provided by the learning disabilities consultant to school personnel and others throughout Vermont. In the past year, this included trainings involving approximately 440 participants at 17 schools, several conferences and graduate courses, as well as presentations on Vermont Interactive Television. Topics included eligibility criteria, IEP decision making and characteristics of learning disabilities. Ongoing technical assistance was provided to staff at the 28 lab school sites. The learning disabilities consultant was also primary instructor for one course and site coordinator for several other courses in the Language Based Learning Difficulties graduate sequence.

Also in 2005, the newly hired autism consultant has been collaborating with the Agency of Human Services (AHS) autism consultant in producing a white paper on how Vermont students with autism are currently served with recommendations for service improvement.

Benchmarks for this area follow:

1. All school districts will develop programs that meet the needs of students with autism spectrum disorders.
2. Build capacity for schools to provide appropriate educational programs for students with autism spectrum disorders.
3. Ensure understanding of best practices/interventions for students on the autism spectrum.

In the process of researching the white paper, the autism consultant visited 14 school districts to observe existing alternative programs for students with autism or discuss programs being developed and attended 6 autism support group meetings involving between 75 and 100 participants. In addition, she provided technical assistance concerning autism spectrum disorders to school personnel, parents and AHS personnel.

Outcomes for Students with Disabilities

The IDEA was reauthorized in 2004 with new provisions focusing on outcomes for students with disabilities. One new requirement of the law is a State Performance Plan (SPP) setting out targets for each of the next six years for twenty indicators related to outcomes for students with Individual Education Plans (IEPs). The SPP also requires reporting of baseline data in each of the target areas. Information regarding high school graduation rates, school dropouts, rates of suspension and expulsion and performance on statewide assessments is presented below. These are all important outcome indicators for students receiving special education.

Table 1: Graduation Rates, FFY 2003 and 2004

Student Type	Total Number of Seniors		Number of Graduating Seniors		Graduation Rate		Percent Change
	2003	2004	2003	2004	2003	2004	2003 – 04
Students with IEPs	709	855	539	684	76.02%	80.00%	+ 3.98%
Students in Regular Education	6,078	6,197	5,619	5,815	92.45%	93.84%	+ 1.39%
Statewide Total	6,787	7,052	6,158	6,499	90.73%	92.16%	+ 1.43%

Table 2: Drop-out Rates, Grades 9 – 12, FFY 2003 and FFY 2004

Student Type	Total Number of Students		Number of Drop-outs		Drop-out Rate		Percent Change
	2003	2004	2003	2004	2003	2004	2003 – 04
Students with IEPs	3,441	3,800	130	175	3.78%	4.61%	0.83%
Students in Regular Education	25,069	25,854	640	657	2.55%	2.54%	-0.01%
Statewide Total	28,510	29,654	770	832	2.70%	2.81%	0.11%

Figure 8: Rate of Suspension/Expulsion > 10 Days of Special Education Students

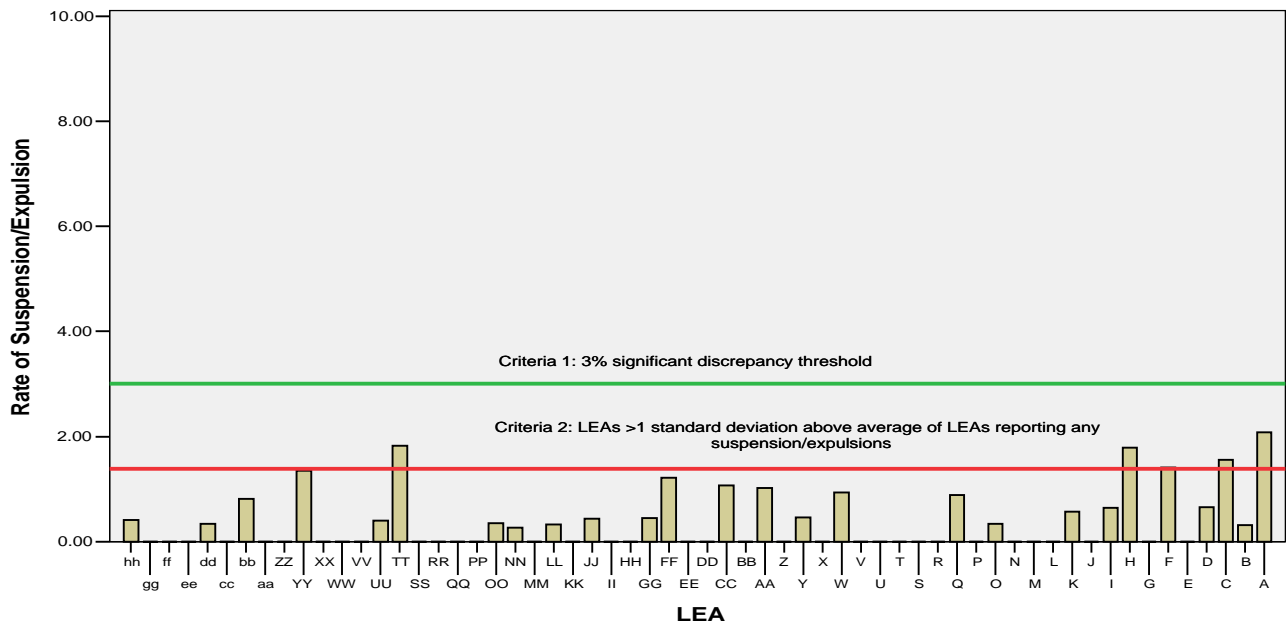


Table 3: Proficiency Rates for Children with IEPs, FFY 2004

	3C.a.: Total Number of Children w/IEPs	3C.b.: Proficient or Above- Regular Assessment w/NO Accommodations		3C.c.: Proficient or Above- Regular Assessment w/ Accommodations		3C.d.: Proficient or Above- Alternate Assessment Against Grade Level*		3C.e.: Proficient or Above- Alternate Assessment Against Alternate Achievement**		3C. Overall Proficiency Number/Rate ((3Cb. + 3Cc. + 3Cd. + 3Ce.)/3Ca.)	
		#	Rate	#	Rate	#	Rate	#	Rate	Number	Rate
Language Arts	1662	313	19%	46	3%	0	0%	81	5%	440	26%
Math	957	51	5%	19	2%	0	0%	39	4%	109	11%

In Vermont, graduation rates for students who are eligible for special education are relatively high while drop-out and long term suspension and expulsion rates are low. The performance on statewide assessments of this group of students is an area where improvement is needed.

Special Education Costs and Child Count

This section presents required information regarding rate of growth or decrease in special education costs with identification of factors that affect these costs. Child count information for the past five years is also included. The total number of students who are eligible for special education in Vermont has increased slightly in the past five years. However, there has been a significant increase in the numbers of eligible children ages birth through three years. This increase will affect K-12 programs and costs. Another factor when comparing child count numbers to overall costs is that the total student population continues to decrease at about 1 percent a year without a corresponding decrease in the special education eligible population.

Figure 9: Special Education Child Count 2000 - 2005

	2000 - 01	2001 - 02	2002 - 03	2003 - 04	2004 - 05	Percent Change 2003-04 to 2004-05	Percent Change 2000-01 to 2004-05
Birth through 2	438	470	577	623	599	-3.85%	26.88%
EEE	916	925	962	1,026	1,155	12.57%	20.69%
K - 12	12,938	12,963	12,761	12,648	12,744	0.76%	-1.52%
Totals	14,292	14,358	14,300	14,297	14,498	1.41%	1.42%

The table on the following pages provides detailed information about FY 2005 special education costs for individual supervisory unions. The overall cost increase for FY 2005 was 8.03 percent with a 7.18 percent increase that impacts the special education funding formula.

A number of factors contribute to the increases in special education costs:

- Salaries and benefits have increased as a result of negotiated agreements.
- There has been an increase in the total number of special education staff.
- Transportation costs increased.
- Day placements with costs exceeding \$50,000 continues to increase and there are now twice as many of these programs as residential placements with costs exceeding \$50,000.
- Tuition increases at both residential and day programs are driving cost increases.

FY-2005 SPECIAL EDUCATION EXPENDITURES BY SUPERVISORY UNION

	Supervisory Union	FY2005 K-12 Spec Ed Cost (Federal/ State/local)	FY2005 Actual K- 12 Spec Ed Formula Eligible Cost (State/local)	Dec.1,200 4 K-12 IEP Spec Ed Child Count*	FY2005 K- 12 ADM for Resident Students*	% of K-12 IEP Spec Ed Count/K-12 Resident ADM	FY2005 K-12 Spec Ed Formula Cost/ Resident ADM	% over/under Statewide Avg. Spec Ed Cost per ADM	High/Low Spending for FY2005 16VSA 2974	FY2005 K-12 Spec Ed Formula Cost/Child Count
01	Addison Northeast	3,247,526.95	2,889,551.18	229	1,893.14	12.1%	1,526.33	-20.42%	low	12,618
02	Addison Northwest	2,299,224.00	2,082,535.00	174	1,294.04	13.4%	1,609.33	-16.10%		11,969
03	Addison Central	3,909,974.55	3,546,946.11	229	1,993.98	11.5%	1,778.83	-7.26%		15,489
04	Addison Rutland	3,310,497.00	2,976,505.00	203	1,658.55	12.2%	1,794.64	-6.44%		14,663
05	Southwest Vermont	7,595,574.04	6,841,915.81	610	3,464.12	17.6%	1,975.08	2.97%		11,216
06	Bennington Rutland	3,900,442.44	3,573,442.00	257	1,754.06	14.7%	2,037.24	6.21%		13,904
07	Colchester	4,200,061.12	3,775,782.12	244	2,369.15	10.3%	1,593.73	-16.91%		15,475
08	Caledonia North	2,576,629.88	2,282,505.53	177	1,648.92	10.7%	1,384.24	-27.83%	low	12,896
09	Caledonia Central	1,587,469.71	1,451,128.64	99	914.56	10.8%	1,586.70	-17.28%		14,658
10	Milton	3,793,878.00	3,503,525.00	279	1,768.98	15.8%	1,980.53	3.26%		12,557
11	St. Johnsbury	1,853,612.21	1,654,075.01	120	1,054.76	11.4%	1,568.20	-18.24%		13,784
12	Chittenden East	5,659,356.09	5,227,015.09	325	2,932.74	11.1%	1,782.30	-7.08%		16,083
13	Chittenden Central **	4,813,810.00	4,510,044.69	236	2,648.66	8.9%	1,702.76	-11.23%	`	19,110
14	Chittenden South	7,362,968.00	6,710,752.00	473	4,369.51	10.8%	1,535.81	-19.93%		14,188
15	Burlington	6,637,546.75	6,050,779.21	455	3,509.55	13.0%	1,724.09	-10.11%		13,298
16	South Burlington	5,897,261.00	5,447,654.00	214	2,497.29	8.6%	2,181.43	13.73%		25,456
17	Winooski	1,351,158.00	1,161,560.00	104	739.02	14.1%	1,571.76	-18.06%		11,169
18	Essex Caledonia	1,180,884.25	1,035,150.09	67	782.42	8.6%	1,323.01	-31.02%	low	15,450
19	Essex North	567,561.60	490,869.52	35	321.27	10.9%	1,527.90	-20.34%	low	14,025
20	Franklin Northeast	3,258,036.14	2,850,464.14	270	1,683.41	16.0%	1,693.27	-11.72%		10,557
21	Franklin Northwest	4,815,174.39	4,242,347.39	388	2,564.56	15.1%	1,654.22	-13.76%		10,934
22	Franklin West	2,949,922.63	2,603,956.63	234	1,922.79	12.2%	1,354.26	-29.40%	low	11,128
23	Franklin Central	5,962,528.09	5,514,902.42	430	2,607.70	16.5%	2,114.85	10.26%		12,825
24	Grand Isle	2,590,407.26	2,395,540.81	153	1,098.99	13.9%	2,179.77	13.64%		15,657
25	Lamoille North	4,332,797.00	4,118,275.00	232	1,795.56	12.9%	2,293.59	19.58%		17,751
26	Lamoille South	1,998,201.00	1,713,407.00	122	1,595.68	7.6%	1,073.78	-44.02%	low	14,044
27	Orange East	3,613,526.57	3,256,573.40	241	1,640.88	14.7%	1,984.65	3.47%		13,513
28	Orange Southwest	2,546,280.53	2,302,660.44	153	1,101.57	13.9%	2,090.34	8.98%		15,050
29	Orange North	1,776,934.06	1,679,339.06	109	827.33	13.2%	2,029.83	5.83%		15,407
30	Orange Windsor	3,046,845.00	2,804,742.00	191	1,221.64	15.6%	2,295.88	19.70%		14,685
31	Orleans Essex North	6,019,848.20	5,457,415.59	500	2,952.77	16.9%	1,848.24	-3.64%		10,915
32	Washington Central	2,976,504.64	2,829,837.04	172	1,590.00	10.8%	1,779.77	-7.21%		16,453

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33	Rutland South	2,264,868.84	2,054,834.84	133	902.47	14.7%	2,276.90	18.71%		15,450
34	Orleans Central	2,356,648.27	2,109,922.27	190	1,135.74	16.7%	1,857.75	-3.15%		11,105
35	Orleans Southwest	2,348,003.38	2,150,636.54	123	1,257.45	9.8%	1,710.32	-10.83%		17,485
36	Rutland Northeast	4,887,479.10	4,457,445.93	255	1,855.53	13.7%	2,402.25	25.24%	HIGH	17,480
37	Rutland Central	2,292,190.98	2,084,089.04	147	1,190.43	12.3%	1,750.70	-8.73%		14,177
38	Rutland Southwest	1,810,631.61	1,709,792.39	139	882.12	15.8%	1,938.28	1.05%		12,301
39	Rutland Windsor	1,242,971.92	1,088,094.68	70	525.20	13.3%	2,071.77	8.01%		15,544
40	Rutland City	5,427,379.81	4,878,075.56	310	2,405.79	12.9%	2,027.64	5.71%		15,736
41	Washington Northeast	1,557,672.91	1,432,964.40	68	641.93	10.6%	2,232.28	16.38%		21,073
42	Washington West	3,863,181.00	3,470,693.00	300	1,987.30	15.1%	1,746.44	-8.95%		11,569
43	Washington South	1,716,589.58	1,535,871.77	145	789.17	18.4%	1,946.19	1.47%		10,592
45	Montpelier	2,232,884.00	2,019,743.00	105	1,008.97	10.4%	2,001.79	4.36%		19,236
46	Windham Central	3,282,120.00	3,094,423.00	166	1,269.71	13.1%	2,437.11	27.06%	HIGH	18,641
47	Windham Northeast	5,223,306.97	4,954,821.73	310	1,420.52	21.8%	3,488.03	81.85%	HIGH	15,983
48	Windham Southeast	8,883,756.00	8,305,628.00	518	3,048.59	17.0%	2,724.42	42.04%	HIGH	16,034
49	Windham Southwest	2,875,095.10	2,691,795.68	154	906.63	17.0%	2,969.01	54.79%	HIGH	17,479
50	Windsor Northwest	2,196,605.74	2,086,052.15	120	761.45	15.8%	2,739.58	42.83%	HIGH	17,384
51	Windsor Central	2,881,880.46	2,661,966.74	155	1,083.81	14.3%	2,456.12	28.05%	HIGH	17,174
52	Windsor Southeast	3,462,047.72	3,256,413.49	199	1,577.09	12.6%	2,064.82	7.65%		16,364
53	Windsor Southwest	2,813,096.00	2,574,772.00	163	1,268.09	12.9%	2,030.43	5.86%		15,796
54	Hartford	3,322,510.22	3,201,165.91	235	1,625.30	14.5%	1,969.58	2.68%		13,622
55	Norwich ***	1,304,842.32	1,243,915.53	57	691.38	8.2%	1,799.18	-6.20%		21,823
56	Springfield	3,696,938.00	3,368,574.00	289	1,345.01	21.5%	2,504.50	30.57%	HIGH	11,656
57	Blue Mountain Union	927,949.79	833,066.79	70	402.56	17.4%	2,069.42	7.89%		11,901
59	Essex Town **	2,564,147.55	2,292,267.55	134	1,321.89	10.1%	1,734.08	-9.59%		17,106
60	Battenkill Valley	655,288.05	569,358.06	52	356.62	14.6%	1,596.54	-16.76%		10,949
61	Barre	4,674,773.32	4,076,729.51	275	2,717.56	10.1%	1,500.14	-21.79%	low	14,824
62	Rivendell-VT towns only	1,031,612.92	981,527.18	70	376.85	18.6%	2,604.56	35.79%	HIGH	14,022
TOTAL		199,428,912.66	182,165,837.66	12,677	94,972.76	13.3%	1,918.09	0.00%		14,370

Minimum 7.6% 1,073.78 -44.02% 7 low
Maximum 21.8% 3,488.03 81.85% 9 HIGH

*ADM data used is frozen ADM as of 1/18/05; child count includes only K-12 students in categories 4 & 5 - excludes parentally-placed students.

**The ADM for Grades 9-12 for Essex Town of 716.70 is shown here under Chittenden Central (su13) as the costs of the union high school are part of SU13. Also the count of Essex Town students for grades 9-12 on child count (72) are included under Chittenden Central.

*** The child count for Norwich includes 36 high school students counted in New Hampshire's child count.

